

**Permitting & Assistance Branch Staff Report**  
New Full Solid Waste Facilities Permit for the  
Livermore Sanitation Recyclable Materials Transload Facility  
SWIS No. 01-AA-0301  
January 17, 2013

**Background Information, Analysis, and Findings**

This report was developed in response to the Alameda County Department of Public Health Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed New Full Solid Waste Facilities Permit (SWFP) for the Livermore Sanitation Recyclable Materials Transload Facility, SWIS No. 01-AA-0301, located in the City of Livermore, owned and operated by Livermore Sanitation, Inc. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed SWFP was initially received on November 8, 2012. New proposed SWFPs were received on November 26, 2012, December 26, 2012, January 9, 2013 and January 16, 2013. Action must be taken on this permit no later than March 17, 2013. If no action is taken by March 17, 2013, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

**Proposed Changes**

The following are the key design parameters of the proposed project:

	Proposed SWFP
Operator	Livermore Sanitation Recyclable Materials Transload Facility
Owner	Livermore Sanitation, Inc.
Proposed Permitted Hours/Days of Operation	Monday through Saturday, 6:00 AM to 10:00 PM  Closed New Year's Day, Thanksgiving Day, and Christmas Day
Proposed Permitted Maximum Tonnage	Total: 385 Tons Per Day
Proposed Permitted Traffic Volume	208 Vehicles per day or 104 round trips
Proposed Permitted Area (acres)	1.02 acres
Design Capacity	832 Tons Per Day
Proposed Waste Types	Direct Transfer of Green Waste, Food Material, Co-Collected Organics, and Commingled Recyclables

**Background**

The Livermore Sanitation Recyclable Materials Transload Facility is upgrading from a Registration Permit, which was issued on May 21, 2010, to a Full SWFP. The permitted throughput at the site is currently 149 tons per day. The registration permit tier allows for a maximum of 150 tons per day; amounts more than 150 tons per day require a Full SWFP.

## **Key Issues**

The proposed new SWFP will allow for the following:

1. A permitted maximum tonnage of 385 tons per day.
2. Allow an increase in traffic from 38 round trips per day to 104 round trips per day.
3. The submittal of a new Transfer/Processing Report.

## **Findings**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated November 1, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The existing Registration Permit was issued on May 21, 2010. A permit review is not required for this new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 16, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on November 8, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element and consistent with the Countywide Integrated Waste Management Plan, as described in their memorandum dated December 3, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on December 6, 2012 and found the facility to be in compliance with applicable state minimum standards. Additionally, Permitting & Assistance Branch staff determined that the design and operations described in the submitted Transfer Processing Report, dated March 7, 2012, document how the facility will comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on November 8, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 11, 2012. No written comments were received by LEA or Department staff. No one from the general public was in attendance.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The LEA is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History**

The Alameda County LEA issued a Registration Permit on May 21, 2010 for the Livermore Sanitation Recyclable Materials Transload Facility, which allows the operator to direct transfer 149 tons of mixed recyclables and compostable materials. WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on December 6, 2012 and found the facility to be in compliance with applicable state minimum standards.

Below are the details of the direct transfer facilities compliance history based on the LEA's monthly inspection reports:

- 2012 (November) – 2010 (July) – No violations were noted.

### **Environmental Analysis**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Livermore, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

Livermore Sanitation Recyclable Materials Transload Facility currently operates under a Registration Permit issued by the Local Enforcement Agency on May 21, 2010. The proposed new SWFP under consideration is to increase the tonnage from 149 tons per day to 385 tons per day. The maximum amount of vehicles entering and exiting the site per day will increase from 38 vehicles per day to 104.

An Environmental Impact Report (EIR) for the 2003 General Plan, State Clearinghouse No. 2003032038, was adopted by the City of Livermore on February 9, 2004. The County of Alameda, Department of Environmental Health Office of Solid/Medical Waste Management Care Agency (LEA) has provided a finding that the proposed new SWFP is consistent and supported by the cited environmental document. The LEA has determined that the proposed

project is statutorily exempt from further CEQA pursuant to Public Resources Code (PRC), Section 21083.3(b) in that it is consistent with the 2003 General Plan EIR.

The LEA, acting as a Lead Agency under CEQA, and utilizing the 2003 EIR as prepared by the City of Livermore, prepared a Notice of Exemption (NOE), filed with the Alameda County Clerk on December 21, 2012, verifying that there are no grounds under CEQA for the LEA to prepare a subsequent or supplemental environmental document for its issuance of the proposed new SWFP.

Department staff has considered the tonnage increase and the traffic volume increase and find the proposed project is consistent with the 2003 EIR. Department staff made the finding/determination that a Statutory Exemption, PRC Section 21083.3(b) – General Plan Consistency is adequate for the Department's concurrence in this proposed new SWFP.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a NOE based on the Statutory Exemption (PRC Section 21083.3(b)) in that the proposed project is consistent with the 2003 General Plan EIR. The NOE will be filed with the State Clearinghouse following the Department's concurrence in the new SWFP proposed by the LEA. There are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the City of Livermore, and the LEA's NOE. Department staff further recommends the 2003 EIR, together with the LEA's CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the 2003 General Plan EIR adopted by the City of Livermore, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

### **Public Comments**

The project document availability and associated meeting were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 11, 2012, at Livermore Sanitation Recyclable Materials Transload Facility, located at 7000 National Drive, in the City of Livermore. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on December 11, 2012 and January 15, 2013.